

# EXHIBIT D



**EPSTEIN DRANGEL LLP**

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**FRE 408 CONFIDENTIAL**  
**FOR SETTLEMENT PURPOSES ONLY**

April 16, 2025

**VIA EMAIL ONLY**

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**Re: Notice of Infringement/Counterfeiting of Audi AG's ("Audi") Intellectual Property**

Dear Mr. Tamsut:

We represent Audi in its intellectual property matters. We are reaching out to you because you are listed as attorney of record for CarParts.com, Inc. d/b/a CarpartsWholesale and/or Evan Fischer Auto Parts ("CarParts.com") in the USPTO's database records.

Audi is one of the world's leading automobile companies, with roots dating back to the early 1900s. Audi designs, engineers, manufacturers, markets, and sells millions of vehicles in nearly every country across the globe, as well as vehicle parts and accessories, and other related goods, including but not limited to, license plate frames, plaques for affixing to automobiles, key rings, and key chains (collectively, the "Audi Products") under the AUDI house mark. Audi's famous AUDI brand is considered one of the most valuable brands in the world and is consistently listed in Interbrand's annual survey of the "Best Global Brands."<sup>1</sup>

In addition to the AUDI house mark, Audi uses an extensive portfolio of marks in connection with the Audi Products. These marks include, but are not limited to, A3, A4, A5, A6, A7, A8, E-TRON, Q3, Q4, Q5, Q6, Q7, Q8, Q8S, QUATTRO, R8, RS, RS3, RS4, RS5, RS6, RS7, RS Q8, RSQ6, S LINE, S3, S4, S5, S6, S7, S8, SQ5, SQ7, SQ8, TFSI, TT, TTS, TTRS, and the Audi Four Ring Logo:

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<sup>1</sup> See e.g., <https://interbrand.com/best-global-brands/>.

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(together with the AUDI house mark, collectively, the "Audi Marks"). Audi is the sole and exclusive owner of all right, title, and interest in and to any and all unregistered and registered intellectual property rights in its AUDI brand and Audi Products, including any and all trademarks, trade dress, copyrights, design patents, and any other proprietary rights that may exist worldwide, covering or related to the Audi Products, including the Audi Marks (collectively, the "Audi IP").

As non-limiting examples, Audi owns the following incontestable U.S. Trademark Registration Nos.: 4995364 for **AUDI** for goods in Classes 9, 12, 14, 16, 27, 28, and 37; 3098878 for **A3** for goods in Classes 12 and 28; 1990408 for **A4** for goods in Class 12; 3068391 for **A5** for goods in Class 12; 1957319 for **A6** for goods in Class 12; 3355302 for **A7** for goods in Class 12; 2067529 for **A8** for goods in Class 12; 4078535 for **E-TRON** for goods in Classes 12 and 28; 3524464 for **Q3** for goods in Class 12; 3112195 for **Q5** for goods in Class 12; 3123813 for **Q7** for goods in Class 12; 1283271 for **QUATTRO** and 3241273 for **QUATTRO** for goods in Class 12; 5457305 for **RS** (stylized) for goods in Classes 6 and 12; 3076893 for **R8** for goods in Class 12; 3966469 for **RS3** for goods in Class 12; 2889135 or **RS4** for goods in Classes 12 and 18; 5479356 for **RS Q8** for goods in Classes 9, 12, and 28; 4440628 for **RS7** and 5367990 for **RS7** (stylized) for goods in Class 12; 4405143 for **S** (stylized) for goods in Class 12; 2875529 for **S LINE** for goods in Class 12; 3835128 for **S3** for goods in Class 12; 2499526 for **S4** for goods in Class 12; 3324676 for **S5** for goods in Class 12; 1917829 for **S6** for goods in Class 12; 3421582 for **S7** for goods in Class 12; 2534302 for **S8** for goods in Class 12; 3970590 for **SQ5** for goods in Class 12; 5441847 for **SQ8** for goods in Classes 9, 12, 25, and 28; 3521639 for **TFSI** and 3329624 for **TFSI** for goods in Class 12; 2519018 for **TT** for goods in Class 12; 4109426 for **TT RS** for goods in Class 12; 3496779 for **TTS** for goods in Class 12; 3201037 for the Audi Four Ring Logo for goods in Class 12; 3007305 for the Audi Four Ring Logo for goods in Classes 3, 6, 9, 12, 14, 16, 18, 21, 24, 25, and 28; as well as 2083439 for the Audi Four Ring Logo positioned above **AUDI** as shown below for goods and services in Classes 12 and 42:



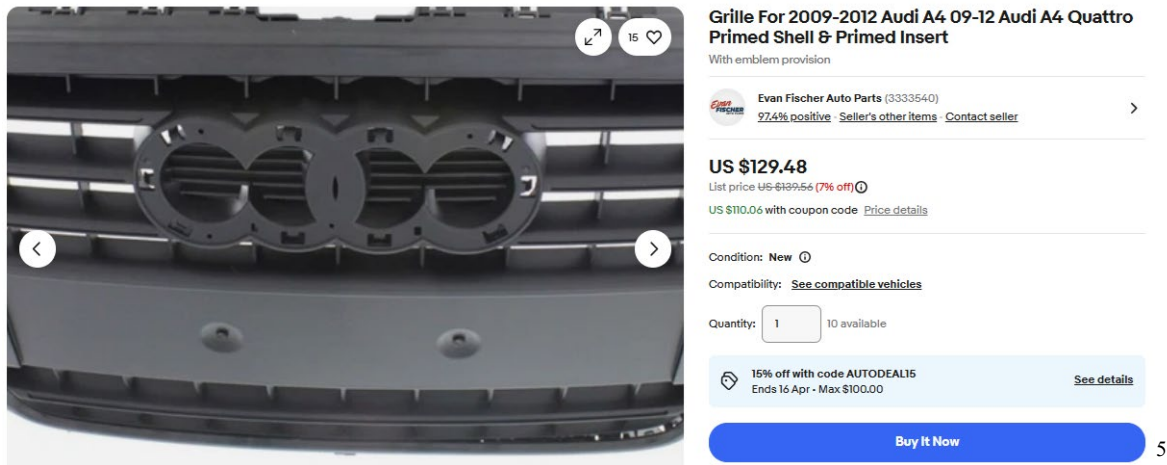
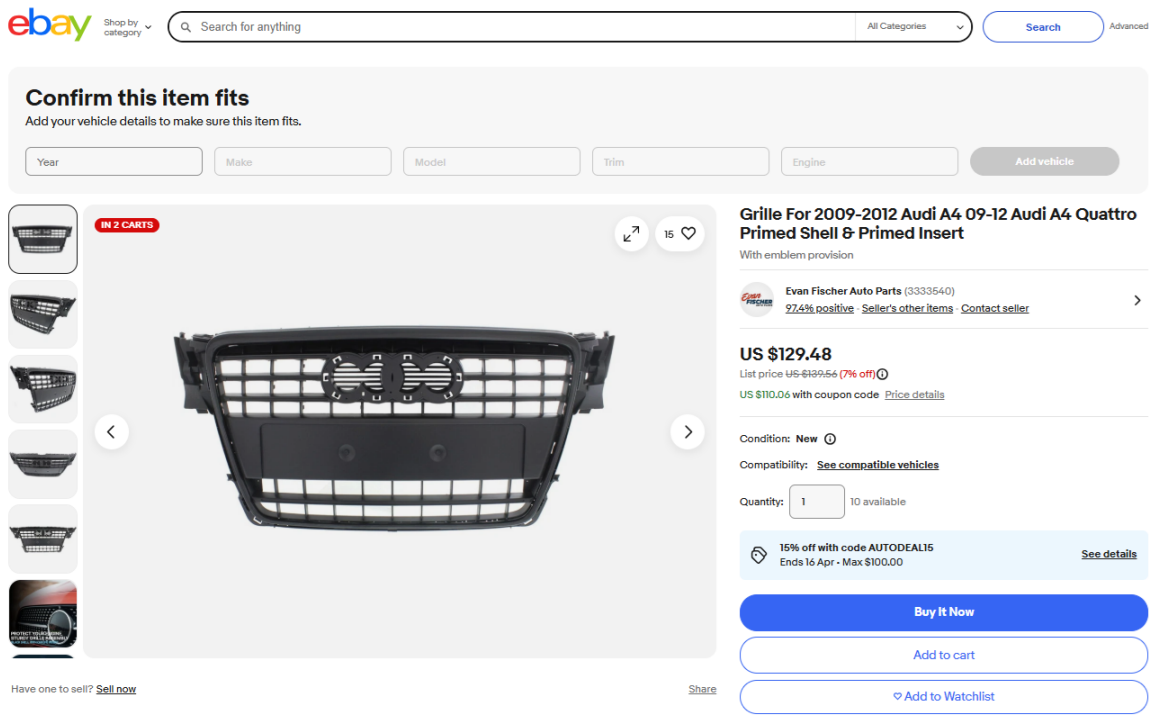
As further non-exhaustive examples, Audi also owns U.S. Trademark Registration Nos.: 6138588 for **E-TRON** for goods in Classes 3, 6, 11, 14, 17, and 24; 5718753 for **RS5** (stylized) for goods in Class 12; 6104299 for **RS6** for goods in Class 12; 6976392 for **RSQ6** for goods in Class 12; 5837139 for **S LINE** for goods in Classes 9 and 20 including emblems; 5640084 for **SQ7** for goods in Classes 12 and 28. No one other than Audi is authorized to use the Audi IP without the express written permission of Audi.

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It has recently come to our attention that CarParts.com is manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, soliciting sales of, selling and/or otherwise making available products that infringe the Audi IP, including the Audi Marks ("Infringing Products") via the Evan Fischer Auto Parts eBay store<sup>2</sup> ("Evan Fischer eBay Store") and its websites<sup>3</sup> (the "Carparts.com Websites") (collectively, the "Caparts.com Stores"). Below are non-exhaustive examples of the Infringing Products listed on the CarParts.com Stores:



<sup>2</sup> See, <https://www.ebay.com/str/carpartswholesale>.

<sup>3</sup> See, <https://www.carparts.com/> and <https://www.carpartswholesale.com/browseCatalog>.

<sup>4</sup> See, <https://www.ebay.com/itm/372598949176>.

<sup>5</sup> Id.

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ebay Shop by category

Search for anything

All Categories

Search

Include description

**Evan Fischer Auto Parts**

97.4% positive feedback 17.0M items sold 333K followers

Visit store Contact Save Seller

Category: audi grill

93 results for audi grill Save this search

Shipping

Sort: Best Match

**Grille For 2009-2012 Audi A4 09-12 Audi A4 Quattro Primed Shell & Primed Insert (For: Audi)**

With emblem provision  
Brand New

**\$129.48**  
List price: ~~\$139.56~~ 7% off  
Buy It Now  
Free delivery  
Free returns  
15 watchers

**15% off with coupon. Max \$100 off**  
carpartswholesale (3,333,533) 97.4%

**Grille For 2009-2013 Audi A3 Quattro A3 Primed Plastic (For: Audi)**

Grille Assembly, Primed Shell and Insert  
Brand New

**\$108.55**  
List price: ~~\$129.99~~ 16% off  
Buy It Now  
Free delivery  
Free returns  
143 sold

**15% off with coupon. Max \$100 off**  
carpartswholesale (3,333,533) 97.4%

**Grille Assembly For 2005-2009 Audi A4 (For: Audi)**

Grille Assembly, Chrome Shell with Gray Insert  
Brand New

**\$65.71**  
List price: ~~\$103.03~~ 37% off  
Buy It Now  
Free delivery  
Free returns  
725 sold

**15% off with coupon. Max \$100 off**  
carpartswholesale (3,333,533) 97.4%

**Color**

- ☐ Black (7)
- ☐ Gray (2)
- ☐ Silver (1)
- ☐ Not Specified (27)

**Finish**

- ☐ Chrome (10)
- ☐ Painted (6)
- ☐ Primed (7)
- ☐ Textured (1)
- ☐ Not Specified (20)

**Placement on Vehicle**

- ☐ Front (11)
- ☐ Left (2)
- ☐ Right (6)
- ☐ Not Specified (20)

**Number of Pieces**

- ☐ 1 (2)
- ☐ 2 (2)
- ☐ Not Specified (32)

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[Continued on Next Page]


<sup>6</sup> See,

[https://www.ebay.com/sch/i.html?\\_dkr=1&iconV2Request=true&\\_blrs=recall\\_filtering&\\_ssn=carpartswholesale&store\\_cat=0&store\\_name=carpartswholesale&\\_oac=1&\\_nkw=audi%20grill](https://www.ebay.com/sch/i.html?_dkr=1&iconV2Request=true&_blrs=recall_filtering&_ssn=carpartswholesale&store_cat=0&store_name=carpartswholesale&_oac=1&_nkw=audi%20grill).

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Headlights and Lighting | Auto Body Parts and Mirrors | Engine and Drivetrain | Brakes, Suspension and Steering | Interior Parts | Exterior Parts | Tools

Join **carparts+** ✓ 24/7 Roadside Assistance ✓ Free Shipping on 500,000 Parts ✓ Extended 60 Day Returns ✓ VIP Member Support | [View Details](#)

Add Your Vehicle For Guaranteed Fit      OR

Home | Auto Body Parts & Mirrors | Grilles & Components | Grille Assembly









**Replacement Grille Assembly, Chrome Shell with Gray Insert**  
Manufacturer #RBA070101

★★★★★ 8 Reviews | 7 Questions and 11 Answers


**\$70.09** ~~\$398.33~~ Save \$328.24 (82%)    Only 4 Left In Stock

Get it by **Wednesday, Apr 16**  
Shipping to **La Salle, 61301**

Pay in 4 interest-free payments of \$17.53 with **PayPal**. [Learn more](#)  
or 4 payments of \$18.53 with **Zip** 

 Add Vehicle to Guarantee Fit!  
[Add Vehicle](#)

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Add Your Vehicle For Guaranteed Fit      OR

Home | Auto Body Parts & Mirrors | Grilles & Components | Grille Assembly






**ReplaceXL Grille Assembly, Dark Gray Shell and Insert**  
Manufacturer #RA07010012

☆☆☆☆☆ 0 Reviews | 1 Questions and 1 Answers

**\$205.49**    Only 6 Left In Stock

Get it by **Saturday, Apr 19**  
Shipping to **La Salle, 61301**

As low as \$19.63/mo with **PayPal**. [Learn more](#)  
or 4 payments of \$52.38 with **Zip** 

 Add Vehicle to Guarantee Fit!  
[Add Vehicle](#)

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<sup>7</sup> See, <https://www.carparts.com/grille-assembly/replacement/rba070101>.

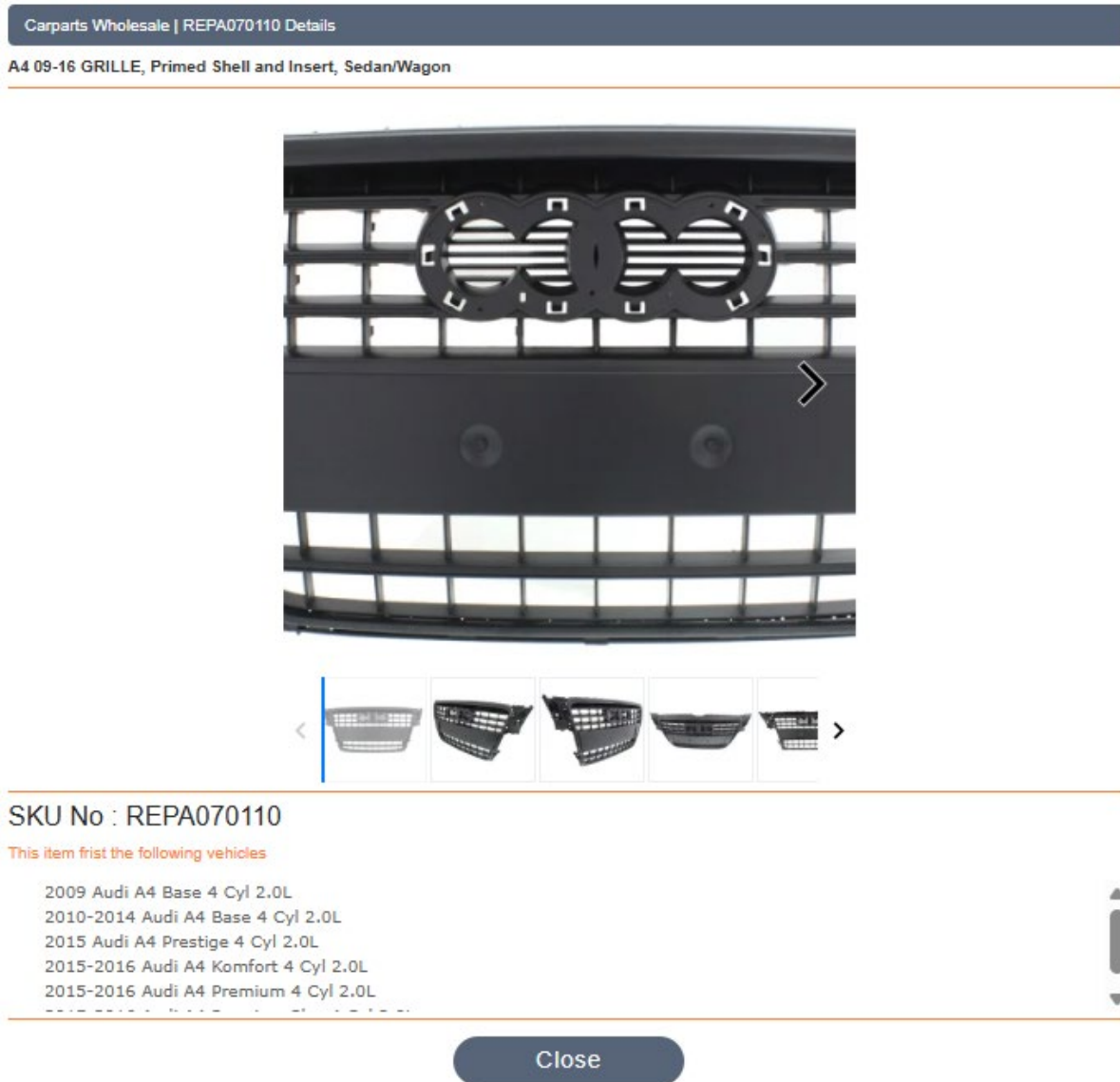
<sup>8</sup> See, <https://www.carparts.com/grille-assembly/replacexl/r-ra07010012>.



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CarParts.com's actions reflect a deliberate disregard of Audi's intellectual property rights. CarParts.com's unauthorized use of the Audi IP is not only intended to (and actually does) confuse, deceive and/or misdirect consumers as to the source or origin of its Infringing Products, but also leads to the belief that the Infringing Products are connected, affiliated with, approved or otherwise sponsored by Audi, when, in fact, they are not. CarParts.com's actions are particularly damaging to Audi given that CarParts.com prominently features the Audi IP and lists Audi's OEM part numbers in connection with the Infringing Products in close proximity to CarParts.com's own trademarks as shown in the non-exhaustive example below:

<sup>9</sup> See, <https://www.carpartswholesale.com/browseCatalog>.

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**Item specifics**

Condition	New: A brand-new, unused, unopened, undamaged item in its original packaging (where packaging is applicable). <a href="#">Read more</a>	Anticipated Ship Out Time	Same day - 1 business day
Brand	Evan-Fischer	Finish	Primed
Fitment Type	Direct Replacement	Grille Type	Grille
Interchange Part Number	8K085365VMZ, AU1200117, 2009-2015 2014 2013 2012 2011 2010 2009, Audi, A4, Fourth Generation, Sedan, 4-Cyl, 2.0L, Komfort Premium Premium Plus Prestige Base, Grille Assembly	Manufacturer Part Number	14909650
Manufacturer Warranty	1-year unlimited-mileage warranty	Material	Plastic
Notes	With emblem provision	OE Number	8K085365VMZ
OE/OEM Part Number	8K085365VMZ	Other Part Number	8K085365VMZ
Part Link Number	AU1200117	Part Name	Grille Assembly
Partslink Number	AU1200117	Performance Part	No
Quantity	Sold individually	Returns Policy	30-Day Return Policy
Superseded Part Number	8K085365VMZ, AU1200117, 2016 2015 2014 2013 2012 2011 2010 2009, Audi, A4, Fourth Generation, Sedan, 4-Cyl, 2.0L, Komfort Premium Premium Plus Prestige Base, Grille Assembly	UPC	723650037171

**Item description from the seller**

**Excellence in Every Part,  
Value in Every Purchase.**

**Grille For 2009-2012 Audi A4 09-12 Audi A4 Quattro Primed Shell & Primed Insert**

**Description**

[Terms of Use](#) | [Warranty Coverage Policy](#)

Replacement Grille Assembly

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Moreover, since the marks used on or in connection with the Infringing Products are virtually identical, or at the very least, confusingly similar to the Audi Marks as shown in the exemplary and non-exhaustive screenshots above, there is no question that CarParts.com is intentionally trading off of the substantial goodwill associated with Audi and its Audi IP.

Be advised that CarParts.com's use of the Audi Marks constitutes one or more of the following: trademark infringement, trademark dilution, and/or unfair competition, which, if pursued in court in the U.S., would entitle Audi to seek, among other things, statutory damages (up to \$2,000,000 per counterfeit mark), and attorneys' fees.

In light of the foregoing, we demand that CarParts.com **immediately cease and desist** any and all production, importation, exportation, advertising, marketing, promotion, distribution, display, solicitation of sales and/or sales of the Infringing Products and remove any and all references to Audi and the Audi Marks from the CarParts.com Stores including the CarParts.com Websites and Evan Fischer Auto Parts eBay Store and any other online or physical locations where the Infringing Products are available. We also demand that CarParts.com comply with the following **within five (5) days of the date of this notice**:

1. Confirm in writing that all manufacture (domestic and foreign), importation, exportation, advertising, marketing, promotion, distribution, display, solicitation of sales and sales of the Infringing Products has ceased and that CarParts.com has

<sup>10</sup> See, <https://www.ebay.com/itm/372598949176>.



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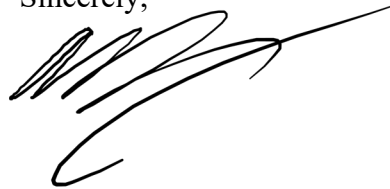
ceased and will refrain from any and all future use of the Audi Marks and any marks that are likely to cause confusion with the Audi Marks;

2. Surrender all Infringing Products and ancillary goods in CarParts.com's possession, custody or control;
3. Provide us with a complete list of ALL sources of Infringing Products (*i.e.*, name and address of the manufacturer, importer, distributor, and/or retailer);
4. Provide us with a full accounting of all purchases (number of units and price) of the Infringing Products, from the date of the first sale of any of the Infringing Products to present, and ANY and ALL documentation of CarParts.com's transaction(s) with CarParts.com's source(s). This includes, but is not limited to: correspondence/communications received or sent by CarParts.com concerning the Infringing Products, agreements between CarParts.com and CarParts.com's source(s), and ALL purchase records evidencing such purchases of the Infringing Products (*i.e.*, order forms, payment records, receipts, invoices, and shipping documents, etc.); and
5. Provide us with a full accounting of all sales (number of units and price) of the Infringing Products, including total dollar amounts and ALL sales and inventory records reflecting the same.

Audi considers CarParts.com's egregious conduct to constitute a serious violation of Audi's rights and to be very damaging to Audi's business, reputation, and the goodwill associated with the Audi Marks. CarParts.com's failure to comply with the demands set forth herein will only assure Audi of CarParts.com's intention to continue to willfully infringe the Audi Marks. In such a situation, Audi will take any and all actions necessary to enforce its rights to the fullest extent of the law. Accordingly, we thank CarParts.com for its anticipated cooperation and prompt attention to this matter.

Nothing in this notice shall be construed as a waiver or relinquishment of any rights or remedies possessed by Audi or any other affected party.

Sincerely,

A handwritten signature in black ink, appearing to be "W. C. Wright", written in a cursive style.

William C. Wright  
**EPSTEIN DRANGEL LLP**